

REMARKS

As a result of the above amendments, claims 40–62 and 64–74 remain pending. Claims 41, 43, 54, and 57 have been amended and claims 65–74 have been added. The amendments and new claims do not add new matter. Support for the added independent claims 71 and 72 can be found, *inter alia*, in the specification at pages 24–26. Entry of the above amendments and reconsideration of this application is requested.

Applicants wish to thank the Examiner for the telephonic interview with Edward L. Bishop (Reg. No. 39,110) and Joseph M. Kinsella Jr. (Reg. No. 45,743) on June 17, 2004. During the interview, agreement with the Examiner could not be reached regarding the scope of the disclosure provided by Henderson (i.e., U.S. Patent No. 5,602,536), as applied in the Office Action to claim 54.

Turning to the Office Action, claims 43–62 stand rejected under the judicially created doctrine of obvious-type double patenting. Applicants hereby submit a terminal disclaimer to overcome the obvious-type double patenting rejections, and respectfully request that the rejections be withdrawn.

Claims 41, 43–49, 51, 53, 59, 61, and 64 stand rejected under 35 U.S.C. 112, first paragraph. Applicants have amended claims 41 and 43 to removed the phrase “immediately following.” Also, regarding claim 41, Applicants assert that support for “the program key being wired to one of multiple interrupt pins of the microprocessor” can be found in the original specification at, *inter alia*, page 11, lines 30–36, and FIGURE 3 of the original specification.

Regarding support for claims 48, 49, 51, 53, 59, 61, and 64, Applicants assert that these claims are supported in the original specification at, *inter alia*, page 12, lines 21–37, page 13, lines 1–4, and page 14, lines 16–28.

With regard to claims 48, 49, 51, 53, 59, and 61, these claims generally relate to containment of a serial number within the non-volatile memory of the electronic access device. Support for these claims is provided, *inter alia*, in the original specification at page 14, lines 16–28, and sufficiently proves that the Applicants were in possession of the claim invention at the time of filing. Accordingly, for the foregoing reasons, Applicants respectfully request that all rejections under 35 U.S.C. 112, first paragraph, be withdrawn.

Claims 40-45, 48-55, 57-61, and 64 stand rejected under 35 U.S.C. 102(e) as being anticipated by Henderson. As presented, rejected independent claims 40 and 52 generally pertain to, inter alia, directing a microprocessor-based control circuit to transmit, via a communication port, an access code that is stored in the non-volatile memory of an electronic access control device. Applicants respectfully assert that Henderson fails to teach or suggest the invention as set forth in claims 40 and 52. Admittedly, column 15 of Henderson discloses production of a lockbox access log. However, there is no suggestion in Henderson that the log contains an access code as claimed by the Applicants. Further, the invention as claimed is an improvement over Henderson because it does not require use of the keypad to trigger the transmission of data, but instead it uses a signal from the communication port. Accordingly, there is no anticipation under 35 U.S.C. 102.

Rejected independent claims 41, 43 and 54 are generally directed to, inter alia, triggering the transition of a microprocessor from a sleep mode by pressing any of at least two keys of an electronic access control device. Applicants respectfully assert that Henderson does not teach or suggest this limitation because, at best, the cited art teaches that a dedicated button must be pressed to awaken a lockbox. Therefore, the rejections under 35 U.S.C. 102 are improper because all claimed elements are not present in Henderson.

Besides having a sleep mode limitation, rejected independent claims 41, 42, 43 and 50 are generally directed to, inter alia, writing/storing a permanent access code to a memory within an electronic access control device. (Claims 41, 43 and 54 include the sleep mode limitation, claim 52 does not). Applicants could not find any disclosure in Henderson regarding writing/storing a permanent access code, and believe the rejection was inadvertently issued in error.

As understood, Henderson discloses a lockbox that is moved and re-programmed from location to location, and thus the lockbox does not contain a permanent access code. In contrast, the Applicants' invention can include permanent codes that offer the ability for the manufacturer and/or the user to always have access to the lock regardless of how it gets reprogrammed in the field. For the above reasons, Applicants respectfully request that the rejections under 35 U.S.C. 102(e) of independent claims 40-43, 50, 52, and 54, and all claims depending directly or indirectly thereon, be withdrawn.

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Claims 46 and 47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson in view of McNair. Applicants respectfully assert that McNair does not correct the failings of Henderson. In particular, McNair, like Henderson, does not teach or suggest triggering the transition of a microprocessor from a sleep mode by pressing any of at least two keys of an electronic access control device. Also, both references do not teach or suggest storing a permanent access code to a non-volatile memory within an electronic access control device. Therefore, Applicants request that the rejections under 35 U.S.C. 103 of claims 46 and 47 be withdrawn.

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Claims 56 and 62 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson in view of Imran. However, Imran does not teach or suggest triggering the transition of a microprocessor from a sleep mode by pressing any of at least two keys of an electronic access control device as set forth by claim 54, from which claim 56 depends. Further, Imran does not teach or disclose operating a solenoid at two different power levels as claimed. Applicants point out that the phrase "non-zero" within the claims is provided to clearly state that neither power level is zero. As such, it is respectfully requested that a particular passage (i.e., column and line number) in Imran be cited as a basis for the rejections of claims 56 and 62, or the rejections be withdrawn.

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In view of the above amendments and remarks, Applicants respectfully request that all pending claims be passed to issue. Should the Examiner wish to discuss this further, he is encouraged to contact the undersigned.

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Respectfully submitted,

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